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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/891,011	06/25/2001	Jing Wu	14357ROUS02U	9405

7590 12/15/2004

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EXAMINER

PATEL, NIKETA I

ART UNIT	PAPER NUMBER
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2182

DATE MAILED: 12/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/891,011	<b>Applicant(s)</b> WU ET AL.	
	<b>Examiner</b> Niketa I. Patel	<b>Art Unit</b> 2182	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 25 June 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,6-8 and 15 is/are rejected.
- 7) ☒ Claim(s) 3-5,9-14 and 16-19 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) The invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-2, 6-8 and 15 are rejected under 35 U.S.C. 102(e) as being anticipated by Fieschi et al. U.S. Patent Number:

6,628,655 B1 (hereinafter "*Fieschi*".)

3. **Referring to claim 1**, *Fieschi* teaches a device operative in a communications network having a network node, comprising: at least one port [see figure 2, element 34] operative to exchange control plane information with said network node [see column 4, lines 30-42, 'switching label']; and a memory portion [see column 4, lines 30-42, 'table'] operative to mirror control plane information received from said network node via said at least one port [see column 4, lines 30-42, 'switching label' and 'table'.]

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4. **Referring to claims 2, 8, Fieschi** teaches a device and a communication network wherein said control plane information includes a label information database [see column 4, lines 30-42, 'switching label'.]

5. **Referring to claim 6, Fieschi** teaches a device further including a plurality of memory portions, each operative to mirror a label information database for a particular link [see column 4, lines 30-42.]

6. **Referring to claims 7, 15, Fieschi** teaches a communication network and a method, comprising: a first device [see figure 1, element 12] having a first memory and a first port [see figure 2, element 32]; a second device [see figure 1, element 14] having a second memory and a second port [see figure 2, element 34] operative to exchange information with said first port associated with said first device via a communication link [see column 4, lines 30-42], a portion of said second memory operative to store control plane information, wherein said second device is operative to transmit at least a portion of said control plane information to said first device, and said first device is operative to receive said control plane information and store said received control plane information in said first memory [see column 4, lines 30-42, 'switching label' and 'table'.]

***Allowable Subject Matter***

7. Claims 3-5, 9-14 and 16-19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

8. The following is a statement of reasons for the indication of allowable subject matter: the prior art of record, taken alone or in combination with other, fails to teach, suggest or provide motivation for synchronizing a first device's memory with label information data which is stored in a second device.

***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following documents have been made record of to further show the state of the art as it pertains to label switching routers:

Cao et al. U.S. Pat. App. No.: 2002/0181485 A1

Doukai U.S. Pat. App. No.: 2004/0114595 A1

Ueno U.S. Pat. App. No.: 2001/0005370 A1

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Karri et al. U.S.Pat.App.No.: 2002/0196808 A1

Katsube et al. U.S.Pat.App.No.: 2003/0056007 A1

Hama U.S.Pat.App.No.: 2004/0202171 A1

Gibson et al. U.S. Patent No:6,680,943 B1

Dumortier et al. U.S. Patent No: 6,598,089 B1

Markson et al. U.S. Patent No: 6,714,980 B1

Ors et al. U.S. Patent No: 6,731,639 B1.

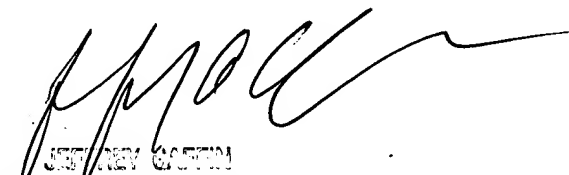
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Niketa I. Patel whose telephone number is (571) 272 4156. The examiner can normally be reached on M-F 8:00 A.M. to 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A. Gaffin can be reached on (571) 272 4146. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

NP  
12/02/2004



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SUPERVISOR, PATENT EXAMINATION  
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